

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee	:	OHASHI	Conf. No.	:	2213
US Patent No.	:	7,324,236 B2	Issue Date	:	January 29, 2008
Serial No.	:	09/772,664	Art Unit	:	2624
Filed	:	January 30, 2001	Examiner	:	J. Thompson
For	:	DISCREPANCY CORRECTION METHOD AND APPARATUS FOR CORRECTING DIFFERENCE IN LEVELS OF IMAGE SIGNALS OBTAINED BY AN IMAGE SENSOR HAVING A MULTIPLE OUTPUT CHANNELS			

PETITION TO EXPUNGE
ERRONEOUSLY FILED INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 CFR § 1.59(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Patentee hereby requests, pursuant to 37 CFR § 1.59(b), that the "INFORMATION DISCLOSURE STATEMENT" (IDS) and accompanied papers filed with the United States Patent and Trademark Office (USPTO) on May 4, 2001 be expunged from the patented file. As discussed in detail below, the IDS and accompanied papers included a heading that erroneously included the Application No. for above-identified US Patent 7,324,664 B2. As a result of this unintended IDS heading, the USPTO incorrectly matched the May 4, 2001 IDS and accompanied papers with the unintended application.

The Commissioner for Patents is hereby authorized to charge the requisite \$200.00 fee set forth under 37 CFR § 1.17(g) for the filing of the present Petition to Expunge.

DISCUSSION

On January 30, 2001, US Application Serial No. 09/772,664 was filed with the USPTO and subsequently matured into US Patent 7,324,236 B2 (hereinafter “the ‘236 Patent”) on January 29, 2008.

On December 6, 2007, the USPTO mailed an Office Action Summary that was accompanied by a two page copy of an Information Disclosure Citation (IDC) having a USPTO receipt date stamp of “May 04 2007”. The IDC included the citation of (1) eight US Patents, (2) two international application publications, and (3) fifteen non-patent literature documents. The copy of the IDC showed that the Examiner considered the eight US Patents, as each citation therefor included the Examiner’s initials. The copy of the IDC also showed that the Examiner had signed and dated the original IDC. Although the IDC identified “Application No. 09/772,664” on Sheet 1 of 2, which, of course, matches the Serial No. for the ‘236 Patent, the IDC also identified an “Attorney’s Dkt No.” and an “Applicant” that is inconsistent with the Docket No. and name of the Inventor for the ‘236 Patent. In addition, the subject matter of the documents cited on the IDC is inconsistent with the subject matter of the ‘236 Patent.

A review of USPTO records, via the Patent Application Information Retrieval (PAIR) service from the USPTO Internet website, reveals that the May 4, 2001 IDS also identified a title inconsistent with the title of the ‘236 Patent and was signed by a registered practitioner on behalf of another firm not associated with or empowered to act on behalf of the above-identified Patentee’s in the ‘236 Patent. **Neither the Applicant/Patentee, the Assignee, nor Applicant’s**

empowered counsel prepared, signed, and filed the May 4, 2001 IDS and accompanied papers for which expungement is being requested.

In an effort to assist the USPTO in recognizing the exact IDS related papers to expunge, the "Transaction History" for the '236 Patent, available through PAIR, identifies the May 4, 2001 IDS an follows:

05-04-2001	Information Disclosure Statement (IDS) Filed
05-04-2001	Information Disclosure Statement (IDS) Filed

The "Available Documents" of the image file wrapper for the '236 Patent, available through PAIR, identifies the May 4, 2001 IDS related papers to expunge as follow:

05-04-2001	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION
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Should the USPTO need any further assistance in identifying each and every paper of the May 4, 2001 IDS, for which expungement is being requested, the USPTO is invited to contact Patentee's representative identified below.

CONCLUSION

In view of the above, Patentee requests, pursuant to 37 CFR § 1.59(b), that the "INFORMATION DISCLOSURE STATEMENT" (IDS) and accompanied papers filed with the United States Patent and Trademark Office (USPTO) on May 4, 2001 be expunged from the patented file of US Patent 7,324,236 B2, Issued January 29, 2008.

AUTHORIZATION

The Commissioner is hereby authorized to charge any insufficient fees in regard to this paper, or refund any overpayment, to Deposit Account No. 13-4503, Order No. 1232-4676.

Respectfully submitted,
MORGAN & FINNEGAN LLP

Dated: February 20, 2008

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